

**REMARKS**

This amendment responds to the Office Action dated November 9, 2007 in which the Examiner rejected claims 29 and 32-37 under 35 U.S.C. § 112, second paragraph and rejected claims 20-37 under 35 U.S.C. § 103.

Attached to this amendment are replacement sheets for FIGS. 1-5 to label them prior art. Applicant respectfully requests the Examiner approves the correction.

As indicated above, claims 29 and 32 have been amended in order to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 29 and 32-37 under 35 U.S.C. § 112, second paragraph.

Applicant respectfully submits that a certified English translation of the priority document is unnecessary since amendment to claims 20 and 32 eliminates RFC 2402 as a reference.

As indicated above, claims 20 and 32 have been amended in order to make explicit what is implicit in the claims. The amended is unrelated to a statutory requirement for patentability.

Claims 20 and 32 claim a data transmission controlling method for controlling transmission of data from data transmitting means to data receiving means over communication channels and for causing the data transmission means to encrypt data and transmit the encrypted data to the data receiving means over the communication channels. The data transmission control method comprises the steps of; first, encapsulating the data to be transmitted in accordance with a first protocol. The encapsulated data is then encrypted. The encrypted data is (further) encapsulated by dividing the encrypted data capsules into a plurality of packets in accordance with a second protocol. Claim 32 recites additional features as well.

Through the method of the claimed invention encapsulating encrypted data capsules by dividing the encrypted data capsules into a plurality of packets in accordance with a second protocol, as claimed in claims 20 and 32, the claimed invention provides a data transmission controlling method which allows the data to be transmitted with related protocol requirements kept intact and thus ensures security. The prior art does not show, teach or suggest the invention as claimed in claims 20 and 32.

Claims 20-24, 26-34, 36-37 were rejected under 35 U.S.C. § 103 as being unpatentable over *Inoue et al.* (U.S. Patent No. 6,163,843).

*Inoue* appears to disclose registration of a message from a mobile computer when the mobile computer moves outside a home network (Col. 8, lines 27-37). A portion of the registration message is encrypted (Col. 12, lines 39-40). A method for attaching authentication code to an IP packet is disclosed in IEFT RFC 1826, 1828 so that authentication data between a mobile computer and a gateway of a visited network is attached to the data packet as processing for establishing the identification of the mobile computer (Col. 12, lines 49-55).

Thus, *Inoue et al.* only discloses encrypting a data portion within a packet. Nothing in *Inoue et al.* shows, teaches or suggests that after the data is encapsulated and encrypted, (further) encapsulating the encrypted data capsules by dividing the encrypted data capsules into a plurality of packets in accordance with a second protocol as claimed in claims 20 and 32. Rather, *Inoue et al.* only discloses encryption of a data portion within a packet.

IEFT RFC 1825 at paragraph 3.2 discloses (a) encapsulating either an entire IP datagram or only an upper-layer protocol data inside the encapsulating security payload (ESP), (b) encrypting most of the ESP contents and (c) then appending a new cleartext IP header to the now encrypted encapsulating security payload.

Thus, RFC 1825 only discloses appending (i.e. adding) an IP header to an encrypted payload. Nothing in RFC 1825 discloses, shows, teaches or suggests (further) encapsulating the encrypted data capsules by dividing the encrypted data capsules into a plurality of packets in accordance with a second protocol as claimed in claims 20 and 32. Rather, RFC 1825 only discloses appending (adding) an IP header to the encrypted encapsulating security payload.

RFC 1826 discloses at paragraph 3.2 fields of the authentication header including a next header of eight bits, a payload length of eight bits and a reserve of 16 bits, a security parameter index of 32 bits and authentication data having an integral number of 32-bit words. Many implementations require padding to other alignments such as 64-bits.

Thus, RFC 1826 only discloses padding for other alignments and lengths of fields in the authentication header. Nothing in RFC 1826 shows, teaches or suggests (further) encapsulating the encrypted data capsules by dividing the encrypted data capsules into a plurality of packets in accordance with a second protocol as claimed in claims 20 and 32. Rather, RFC 1826 only discloses padding and fields of the authentication header.

RFC 1827 discloses at paragraph 3. that the encapsulating security payload (ESP) may appear anywhere after the IP header and before the final transport-layer protocol. The ESP consists of an unencrypted header followed by encrypted data.

Thus, RFC 1827 only discloses ESP consists of an unencrypted header followed by encrypted data. Nothing in RFC 1827 shows, teaches or suggests dividing encrypted data capsules into a plurality of packets in accordance with a second protocol as claimed in claims 20 and 32.

Since in nothing in *Inoue et al.* taking singularly or in combination with RFC 1825-1827 shows, teaches or suggests (further) encapsulating the encrypted data capsules by dividing the

encrypted data capsules into a plurality of packets in accordance with a second protocol as claimed in claims 20 and 32, Applicant respectfully requests the Examiner withdraws the rejection to claims 20 and 32 under 35 U.S.C. § 103.

Claims 21-24, 26-31, 33-34, 36 and 37 depend from claims 20 and 32 and recite additional features. Applicant respectfully submits that claims 21-24, 26-31, 33-34, 36 and 37 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Inoue et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 21-24, 26-31, 33-34, 36 and 37 under 35 U.S.C. § 103.

Claims 25 and 35 were rejected under 35 U.S.C. § 103 as being unpatentable over *Inoue et al.* in view of *Takeda et al.* (U.S. Patent No. 6,178,244).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in *Inoue et al.* shows, teaches, or suggests the primary features as claimed in claims 20 and 32, Applicant respectfully submits that the combination of the primary reference with the secondary reference to *Takeda et al.* will not overcome the deficiencies of the primary reference. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claim 25 and 35 under 35 U.S.C. § 103.

New claims 38-40 have been added and recite additional features. Applicant respectfully submits that these claims are also in condition for allowance.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the Application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

Date: January 25, 2008

By: 

Ellen Marcie Emas  
Reg. No. 32,131  
(202) 292-1530